

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES – GENERAL

Case No. SACV 22-01411-CJC (JDEx)

Date: March 3, 2023

Title: LEEMANUEL WEILCH V. CHUNG HAN LEE AND DOES 1 TO 10

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PRESENT:

**HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE**

Rolls Royce Paschal  
Deputy Clerk

N/A  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER DISMISSING ACTION**

Plaintiff brought this action on July 29, 2022, asserting Americans with Disabilities Act and related state law claims. On December 19, 2022, the Court issued an order providing, in relevant part, as follows:

If only defaulted defendants remain in the case – i.e., no other defendants were named or the claims against all other defendants have been resolved either by dismissal, motion or trial – a motion for default judgment must be filed within 10 days of the last entry of default. . . .

The failure to comply with this Order in a particular case will result in a dismissal of the action for lack of prosecution. The Court finds this sanction sufficient and necessary to deter violations of the Order and to achieve timely prosecution of these cases without necessary intervention by the Court.

(Dkt. 16.)

On December 21, 2022, upon request of Plaintiff, the Clerk of the Court entered a default against the only Defendant remaining in this action. (*See* Dkt. 18; Dkt. 19.) Plaintiff then filed a motion for default judgment. (*See* Dkt. 20). But on January 23, 2023, the Court issued an order declining to exercise supplemental jurisdiction over

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Plaintiff's related state law claims. (*See* Dkt. 22). Thus, the next day, the Court denied without prejudice the motion for default judgment and stated that "Plaintiff may refile the motion consistent with the prior Order as Plaintiff deems it appropriate and necessary." (*See* Dkt. 23.)

Given the Court's order on December 19, 2022, and given that Plaintiff has not refiled a motion for default judgment in the more than five weeks since the Court denied the prior motion for default judgment without prejudice, the Court hereby **DISMISSES WITHOUT PREJUDICE** this action.

jso

MINUTES FORM 11  
CIVIL-GEN

Initials of Deputy Clerk RRP